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c 394 Public Works Creditors Payment Act

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CHAPTER 394

**The Public Works Creditors Payment
Act****1.** In this Act,Interpre-
tation

- (a) "claimant" means a creditor who has sent a notice under subsection 1 of section 2;
- (b) "contractor" means a person who performs work in the construction, alteration, repair or maintenance of a public work under a contract between the person and the Crown, and includes any sub-contractor engaged in such a work;
- (c) "creditor" means a person who supplies labour, materials or services used or reasonably required for use in the performance of a contract with the Crown for the construction, alteration, repair or maintenance of a public work;
- (d) "Crown" includes a board, commission or agency of the Crown and the Ontario Water Resources Commission, but does not include The Hydro-Electric Power Commission of Ontario;
- (e) "public work" has the same meaning as in *The Public Works Act* and in addition thereto includes any undertaking by the Crown at the expense of any person or municipality;
- (f) "surety" means a person who guarantees to the Crown the payment of creditors under a bond with the Crown. 1962-63, c. 121, s. 1.

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2.—(1) Where a contractor does not pay a creditor in accordance with his obligation so to do, the creditor may, not later than ninety days after the last day on which the labour, materials or services were provided, send to the appropriate office of the Crown by registered mail a notice setting out the nature and amount of his claim.

Service of
notice of
non-payment

(2) The Crown may, after notice in writing to the contractor and surety, if any, pay the claimant the amount settled upon and deduct the amount so paid from any moneys due or that may become due to the contractor on any account or from the moneys or securities, if any, deposited by the contractor with the Crown, and, if there are insufficient moneys due or to become due to the contractor to permit of such deduction, the surety, if any, shall

Payment
of claim

pay to the Crown upon demand an amount sufficient to make up the deficiency.

Amount
paid final

(3) In paying a claim under subsection 2, the Crown may act upon any evidence that it considers sufficient and may compromise any disputed liability, and such payment is not open to dispute or question by the contractor or the surety, if any, but is final and binding upon them. 1962-63, c. 121, s. 2.

Crown may
demand list
of creditors

3. The Crown may, in writing, require a contractor to send to it, by registered mail, within fifteen days from the date of the mailing of the demand, a list of the names of and the amounts owing to his creditors. 1962-63, c. 121, s. 3.

Contractor
to display
s. 2, subs. 1

4. Every contractor shall display and keep displayed in a conspicuous place on the public work a copy of subsection 1 of section 2. 1962-63, c. 121, s. 4.

Offences

5. A contractor who does not file a list when required to do so under section 3 or who does not display and keep displayed a copy of subsection 1 of section 2 as required by section 4 is guilty of an offence and on summary conviction is liable to a fine of not less than \$10 and not more than \$100 for every day during which the default continues. 1962-63, c. 121, s. 5.

Regulations

6.—(1) The Lieutenant Governor in Council may make regulations,

- (a) extending or reducing the periods of time referred to in sections 2 and 3;
- (b) providing for and requiring notices in addition to the notice mentioned in section 2;
- (c) respecting any matter necessary or advisable to carry out effectively the intent and purpose of this Act.

Application

(2) Any regulation made under subsection 1 or any provision thereof may be made applicable in respect of any class or classes of contractor. 1962-63, c. 121, s. 6.
